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Attorneys for Defendant,  
 The O'Brien Corporation

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
**OAKLAND DIVISION**

RICHARD E. HASKINS, an individual;  
 ARTHUR L. HASKINS, an individual; and  
 ESTATE OF ARTHUR "BUZZ" HASKINS,  
 JR., DECEASED, a deceased individual,

Plaintiffs,

v.

CHEROKEE INVESTMENT PARTNERS, LLC,  
 a North Carolina limited liability company;  
 FULLER-O'BRIEN, INC., a surrendered  
 Delaware Corporation; and DOES 1 through 100,

Defendants.

Case No. CV-11-05142-YGR

**STIPULATION RE ORDER  
 SHORTENING TIME FOR  
 MOTION TO SET ASIDE  
 DEFAULT; COURT ORDER <sup>DENYING</sup>  
~~GRANTING~~ ORDER  
 SHORTENING TIME**

The parties, and each of them, hereby stipulate as follows:

**RECITALS**

1. WHEREAS, plaintiffs have taken the default of defendant The O'Brien Corporation ("O'Brien"), the successor by merger of and named herein as Fuller O'Brien, Inc.;

2. WHEREAS, plaintiffs' Motion to Enter Default Judgment against O'Brien is set for hearing on February 7, 2013 before Magistrate Judge Laurel Beeler;
3. WHEREAS, O'Brien is filing herewith its Motion to Set Aside the Default;
4. WHEREAS, O'Brien seeks to have the Motion to Set Aside Default heard and decided on the merits before any default judgment is entered;
5. WHEREAS, pursuant to Local Rule, counsel for the parties have met and conferred over O'Brien's intent to seek an order shortening time;
6. WHEREAS, plaintiffs agree to stipulate to the order shortening time on the condition that the motion be set and heard before Magistrate Judge Laurel Beeler on the same date and time as the pending Motion to Enter Default Judgment.

#### STIPULATION

NOW THEREFORE, the parties, by and through their respective counsel, hereby stipulate that this Court may issue an order setting O'Brien's Motion to Set Aside Default on shortened time so that it is set for hearing before Magistrate Judge Laurel Beeler on February 7, 2013 at 11:00 am. The parties further stipulate that any opposition papers shall be filed and served no later than February 1, 2013, and that any reply papers be filed and served no later than February 5, 2013.

#### SO STIPULATED

Dated: January 24, 2013

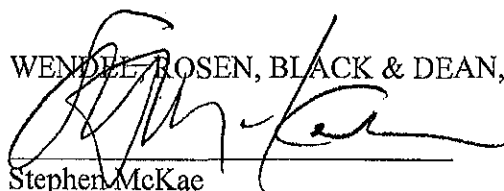
EPSTEIN, ENGLERT, STALEY & COFFEY,  
A Professional Corporation

/s/ Robert H. Staley

Robert H. Staley  
Attorney for Defendant,  
The O'Brien Corporation

Dated: January 24, 2013

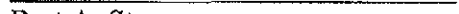
WENDELL ROSEN, BLACK & DEAN, LLP

  
 Stephen McKae  
 Attorney for Defendants,  
 Cherokee Acquisition Corp., Cherokee Investment  
 Partners II, L.P., Cherokee Grand Avenue, LLC,  
 Cherokee San Francisco, LLC

Dated: January 24, 2013

PALADIN LAW GROUP LLC

/s/ Bret A. Stone

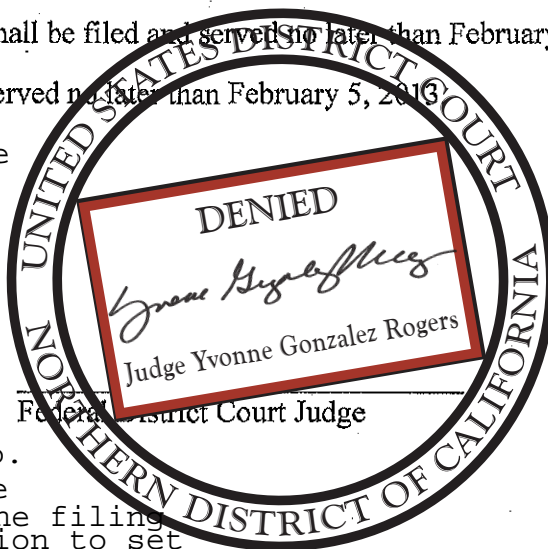
  
 Bret A. Stone  
 Attorney for Plaintiffs,  
 Richard E. Haskins, Arthur L. Haskins, and the  
 Estate of Arthur "Buzz" Haskins, Jr., Deceased

**DENYING  
 COURT ORDER ~~GRANTING~~ MOTION TO SHORTEN TIME**

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED THAT defendant  
 O'Brien's ex parte application for order shortening time is hereby granted. O'Brien's Motion to  
 Set Aside Default is hereby set for hearing before Magistrate Judge Laurel Beeler on February 7,  
 2013 at 11:00 am. Any opposition papers shall be filed and served no later than February 1,  
 2013. Any reply papers shall be filed and served no later than February 5, 2013.  
 The motion to set aside  
 default must be heard by the  
 district court judge.

**SO ORDERED**

Dated: January 25, 2013



Federal District Court Judge

The Court notes that Dkt. No.  
 63 improperly filed separate  
 motions in one document. The filing  
 party shall re-file the motion to set  
 aside default as a separate motion before  
 Judge Gonzalez Rogers. This Order terminates Dkt. No. 63.